

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BONNIE LEE THOMPSON,

Plaintiff,

v.

Case No. 8:19-cv-124-TPB-JSS

COMMISSIONER OF SOCIAL
SECURITY and UNITED STATES
ATTORNEY,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report and recommendation of United States Magistrate Judge Julie S. Sneed, entered on November 23, 2021. (Doc. 32). Judge Sneed recommends that “Plaintiff’s Unopposed Petition and Memorandum in Support for Reasonable Attorney Fees Pursuant to 42 U.S.C. § 406(b)” (Doc. 31) be granted, and that the Court approve the attorney’s fees requested as reasonable. Specifically, Judge Sneed recommends that (1) Plaintiff’s counsel be awarded a total fee of \$17,975.38; (2) the Commissioner be directed to pay Plaintiff’s counsel the net amount of \$11,431.14 (\$17,975.38 minus the \$6,544.24 EAJA¹ fee), less any additional sum already paid to counsel; (3) the Court order that counsel’s total fee, including any sum already paid and the EAJA fee, shall not exceed \$17,975.38; and (4) the Clerk be directed to enter judgment accordingly and close the case.

¹ Equal Access to Justice Act

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Sneed's report and recommendation, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Sneed's detailed and well-reasoned factual findings and legal conclusions. As such, Plaintiff's motion is granted.

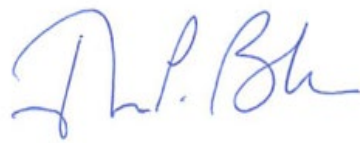
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

1. The report and recommendation (Doc. 32) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
2. "Plaintiff's Unopposed Petition and Memorandum in Support for Reasonable Attorney Fees Pursuant to 42 U.S.C. § 406(b)" (Doc. 31) is **GRANTED**.
3. The Court finds that attorney's fees requested by counsel are reasonable. Plaintiff's counsel, Carol Avard, is awarded a total fee of \$17,975.38.

4. The Commissioner is **DIRECTED** to pay Plaintiff's counsel the net amount of \$11,431.14 (\$17,975.38 minus the \$6,544.24 EAJA fee), less any additional sum already paid to counsel.
5. Counsel's total fee, including any sum already paid and the EAJA fee, shall not exceed \$17,975.38.
6. The Clerk is **DIRECTED** to enter judgment accordingly and close the case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 30th day of November, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE